GAVIN ROZZI

PO Box 1232 Forked River, NJ 08731 (609)-222-4161 gr@gavinrozzi.com

Plaintiff, Pro Se

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

GAVIN ROZZI

Plaintiff,

V.

ROBERT SELFORS, a/k/a "BOB HANSEN," individually and in his capacity as President of Happy Panda, Inc., CANA WITTENBERG SELFORS, individually and in her capacity as President of Simple Websites, Inc. and Vice President of Happy Panda, Inc., HAPPY PANDA, INC., a North Carolina Corporation, SIMPLE WEBSITES, INC., a North Carolina Corporation, BRIER CREEK FELLOWSHIP, INC. a North Carolina Nonprofit Corporation, JOHN DOES 1-100, ABC ENTITIES 1-100

Defendants.

Civil Action

No.: 3:23-cv-03363-RK-DEA

PLAINTIFF'S AFFIDAVIT OF DILIGENT INQUIRY IN SUPPORT OF MOTION FOR SUBSTITUTED SERVICE

STATE OF NEW JERSEY COUNTY OF OCEAN

- I, Gavin Rozzi, being a *pro se* plaintiff and of legal age, after first being duly sworn, according to law do hereby affirm and state as follows:
 - 1. I am making this Affidavit of Diligent Inquiry in support of my motion for substituted service against Defendants Robert Selfors, Cana Wittenberg Selfors and Brier Creek Fellowship, Inc.

- 2. Since commencing this action, I have made attempts to locate the current residential address of Defendants Robert and Cana Wittenberg Selfors, as well as the registered office for their various legal entities who are Defendants in this matter so that they may be served with process in the manner prescribed by Fed. R. Civ. P. 4.
- 3. Prior to the commencement of this action, I searched the records of the New Jersey Department of the Treasury, Division of Revenue and Enterprise Services (DORES) to ascertain whether any of the legal entities who are defendants in this matter have an agent for the service of process in New Jersey. This search yielded negative results.
- 4. I also searched as to whether Defendant Robert Selfors or Cana Wittenberg Selfors were listed as the Registered Agent for any other legal entities in New Jersey and yielded negative results.
- 5. My attempts to locate the Defendants also included generating Westlaw Company Investigator reports for each of their legal entities that Westlaw had data on, as well as searching by Defendants' business names and individual names as Registered Agents that confirmed the validity of the addresses, I used in my initial attempts to serve Defendants. I subsequently cross-checked these results with the North Carolina Secretary of State.
- 6. I am aware that <u>Fed. R. Civ. P.</u> 4(e)(1) allows for the service of a complaint and summons "...following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made."
- 7. Pursuant to this rule, I made attempts to serve the Selfors defendants, both in their individual capacities, and as the Registered Agents for their legal entities via USPS Priority Mail with Certified Mail, Return Receipt Requested on July 6th, 2023, consistent with state law.
- 8. I am aware that service of process via Certified Mail is a recognized and accepted method of service of process both under the Rules Governing the Courts of the State of New Jersey and the North Carolina Rules of Civil Procedure.
- 9. On July 6th, 2023, I mailed a copy of the Complaint, Summons and 63 Requests for Admissions and cover letter (the "process") to each of the Defendants at their last known addresses.
- 10. I was able to have Defendants Happy Panda, Inc. and Simple Websites, Inc. successfully served via this method. *See* ECF No. 7, Affidavit of Service.
- 11. On July 6th, 2023 I mailed the process via Certified Mail, Return Receipt Requested to Defendant Brier Creek Fellowship, Inc. to its registered agent's address listed with the North Carolina Secretary of State at 710 Obsidian Way Durham, NC 27703 c/o Robert Selfors, tracking number 9402836105440043101795.

- 12. On July 6th, 2023 I mailed the process via Certified Mail, Return Receipt Requested to Defendant Robert Selfors at 710 Obsidian Way Durham, NC 27703, tracking number 9402836105440043101931.
- 13. On July 6th, 2023 I mailed the process via Certified Mail, Return Receipt Requested to Defendant Cana Wittenberg Selfors at 710 Obsidian Way Durham, NC 27703, tracking number 9402836105440043102150.
- 14. Both mailings to the Selfors defendants and Brier Creek Fellowship were returned to the sender as unclaimed.
- 15. The United States Postal Service ("USPS") indicated "Your item was returned to the sender at 3:43 pm on July 10, 2023, in DURHAM, NC 27703 because the forwarding order for this address is no longer valid."
- 16. This information from the USPS tracking system regarding these service attempts contradicted the information provided to me by the local post office.
- 17. On June 21st, 2023, I submitted a forwarding address request to the Durham, North Carolina post office that services Defendants' previous address at 710 Obsidian Way.
- 18. On July 11th, 2023, I received a response from the East Durham, NC Post Office. The East Durham post office staff checked the box "Moved, left no forwarding address" in regard to the 710 Obsidian Way address. A true and correct copy of the completed forwarding request form is attached as "Exhibit A."
- 19. On July 8th, 2023, I retained the services of John E. Gusdonevich, Jr., a licensed private investigator and owner of Gusdonevich and Associates Investigative Services¹, Carnegie, PA to assist with locating the Selfors so that they may be served with process in this matter.
- 20. At my request, Mr. Gusdonevich performed a search of an investigative database for information regarding the current whereabouts of Defendant Robert Selfors and his spouse, including a "skip trace" which led me to an additional residential address, 1809 Capstone Dr. Durham, North Carolina, 27713.
- 21. I cross-referenced this address with voter records of the State of North Carolina that confirm Robert and Cana Wittenberg Selfors are registered to vote at the same address, 1809 Capstone Dr., Durham, NC 27713. A true and correct copy of their voter registration information as provided by the State of North Carolina is attached as "Exhibit B."

¹ See https://www.gusinvestigates.com/about-me/

- 22. Based on this new information, on July 8th, 2023, I made an additional attempt to serve both Robert and Cana Wittenberg Selfors at 1809 Capstone Dr., Durham, NC 27713 via Certified Mail, Return Receipt Requested.
- 23. I made a second attempt at the new address by mailing the process via Certified Mail, Return Receipt Requested to Defendant Robert Selfors at 1809 Capstone Dr. Durham, NC 27713, tracking number 9402836105440049212228.
- 24. I made a second attempt at the new address by mailing the process via Certified Mail, Return Receipt Requested to Defendant Cana Wittenberg Selfors at 1809 Capstone Dr. Durham, NC 27713, tracking number 9402836105440049212259.
- 25. On July 12th, 2023 USPS made a delivery attempt for the two copies of the process for the Selfors defendants at 1809 Capstone Dr. Durham, NC 27713.
- 26. Despite the East Durham Post Office's response that no forwarding address existed for Defendant Robert Selfors, USPS tracking stated "Your item was forwarded to a different address at 1:04 pm on July 12, 2023 in DURHAM, NC. This was because of forwarding instructions or because the address or ZIP Code on the label was incorrect."
- 27. The mailing addressed to Defendant Cana Wittenberg Selfors was also unclaimed, but USPS tracking displayed a different status, "Awaiting Delivery Scan" and stated "The delivery status of your item has not been updated as of July 13, 2023, 2:41 am. We apologize that it may arrive later than expected."
- 28. On July 13th, 2023, I retained Proof Technologies, Inc. ("Proof") a national process service firm for the purpose of personally serving Defendants with the Amended Complaint, Summons and Request for Admissions at their last known residential address as provided to me by Mr. Gusdonevich's research.
- 29. Process server Eric Dockery ("Dockery"), assigned by Proof to serve the process, made three attempts to personally serve the Defendants at the aforementioned residential address, all of which were unsuccessful. A true and correct copy of the service attempts documented by Dockery, including GPS coordinates and photographic evidence is annexed hereto as "Exhibit C."
- 30. On May 13th, 2023, at 5:55 p.m., Dockery made his first attempt to personally serve Defendants Robert and Cana Wittenberg Selfors. This attempt was unsuccessful. Dockery reported that nobody answered the door.
- 31. On May 14th, 2023, at 8:01 a.m., Dockery made his second attempt to personally serve Defendants Robert and Cana Wittenberg Selfors. This attempt was also unsuccessful. Dockery reported that nobody answered the door.

32. By all accounts, the residence appeared to be occupied, as the photograph taken by Dockery clearly shows that the residence was landscaped, and flowers and cushions were out on the front porch, reproduced below:





33. On May 14th, 2023 at 1:02 p.m., Dockery made his second attempt to personally serve Defendants Robert and Cana Wittenberg Selfors. This attempt was also unsuccessful. Dockery reported that nobody answered the door. During this attempt, Dockery documented the presence of a newly purchased grey Dodge 4x4 pickup truck parked in the driveway of the residence with an Ohio temporary vehicle registration tag, reproduced below (with tag number redacted), reproduced below:



- 34. Based on the numerous unsuccessful attempts to serve Defendants, I believe that they are affirmatively taking steps to avoid being served with the process in this manner.
- 35. I believe that Defendant Robert Selfors and Cana Wittenberg Selfors already have actual, constructive notice of this litigation because they were notified when the UPS Store accepted service on their behalf, as the Registered Office of Defendants Simple Websites, Inc. and Happy Panda, Inc.
- 36. During the course of my pre-suit investigation against Defendants, I learned of several email and social media accounts, and cell phone numbers in their names that they used in support of their scheme:
 - <u>rwselfors@liberty.edu</u>
 - https://www.facebook.com/rselfors
 - BrierCreekFellowship@gmail.com
 - 919-428-6577 (Robert Selfors Cell Phone)
 - (919) 270-9155 (Cana Wittenberg Selfors Cell Phone)
- 37. Based upon the aforementioned diligent inquiry, I do not believe personal service of process can be made can be made on Defendants Robert and Cana Wittenberg Selfors as well as Defendant Brier Creek Fellowship, Inc. c/o Robert Selfors, Registered Agent.
- 38. Also, during my pre-suit investigation, I discovered the insurance agent that wrote policies for Defendants on or about 2017, Antonio Vela ("Vela"), Antonio Vela Insurance Agency Inc., affiliated with State Farm Insurance, 121 Sherron Road Suite 106 Durham, NC 27703-9515.

- 39. On July 14th, 2023, I wrote to Vela to notify him of the pendency of this lawsuit, my difficulty in effecting personal service on his client, and my desire to resort to substituted service by potentially serving his insurance carrier as provided by law. A true and correct copy of my correspondence with Vela notifying him of this action is attached as "Exhibit D."
- 40. Based on the multiple unsuccessful service attempts documented herein, it is my desire to resort to substituted service on these Defendants, consistent with the applicable court rules and due process of law.
- 41. I believe that service via any of the above-identified electronic means under the custody and control of Defendants Robert and Cana Wittenberg Selfors as well as Defendant Brier Creek Fellowship, Inc. c/o Robert Selfors, Registered Agent is reasonably calculated to give them actual notice of these proceedings.

I swear and affirm that the statements contained herein are true and correct to the best of my knowledge under penalty of perjury under the laws of the United States of America. I am aware that if any statement contained herein is knowingly false or misleading, then I am subject to punishment.

Dated this 14th day of July, 2023.

GAVIN ROZZI Plaintiff, *Pro Se*

Exhibit A

to Gavin Rozzi's Affidavit of Diligent Inquiry of July 14th, 2023

214	1
Exhibit 5-2b	
Change of Address or Boxholder Request Format — Process Servers	
Postmaster	Date June 21st, 2023
Durham, NC 27703	
City, State, Z1P Code	
REQUEST FOR CHANGE OF ADDRESS OR BOXHOLDER INFORM NEEDED FOR SERVICE OF LEGAL PROCESS	IATION
Please furnish the new address or the name and street address (if a boxholder) for the following:	
Name: Robert Selfors	
Address: 710 Obsidian Way, Durham, NC 27703	
Note: Only one request may be made per completed form. The name and last known address are required for change of address information. The name, if Lnown, and Post Office box address are required for boxholder information.	
The following information is provided in accordance with 39 CFR 265.6(d)(5)(ii). There is no fee for providing boxholder or change of address information.	
 Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting pro se - except a corporation acting pro se must cite statute): The names of all known parties to the litigation: Gavin Rozzi, Robert W. Selfors, 0 The court in which the case has been or will be heard: United States District Couton to the docket or other identifying number (a or b must be completed):	
WARNING	and the second s
THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLIMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C.	PROCESS IN CONNECTION WITH ACTUAL OR LUDING A FINE OF UP TO \$10,000 OR
I certify that the above information is true and that the address information is needed a used solely for service of legal process in conjunction with actual or prospective litigal	
Signature Printed Name	
Address	fill in the
PO Box 1232 Forked River, NJ, 08731	JUL 08 2023
City, State, ZIP Code	The state of the s
POST OFFICE USE ONLY	CAMM, NC 27103
No change of address order on file. NEW ADDRESS OR BOXHOLD AND STREET ADDRESS AND STREET ADDRESS	DER'S NAME

Exhibit B

to Gavin Rozzi's Affidavit of Diligent Inquiry of July 14th, 2023



New Search

ROBERT WILLIAM SELFORS 1809 CAPSTONE DR DURHAM, NC 27713

YOUR VOTER DETAILS

<u>Collapse all sections</u> | <u>Expand all sections</u>

County:

Status:

Voter Reg Num:

NCID:

Party:

Race:

Ethnicity:

DURHAM

ACTIVE

ACTIVE

AAT120762

REP

WHITE

Constant

Gender:MALERegistration Date:11/14/2014NCDMV Customer:Yes

YOUR JURISDICTIONS

Precinct: 35-4

Congress:

NC Senate:

NC Senate:

NC House:

Superior Court:

Judicial:

Prosecutorial:

Municipality:

CONGRESSIONAL DISTRICT 4

NC SENATE DISTRICT 20

NC HOUSE DISTRICT 29

14B SUPERIOR COURT

14TH JUDICIAL

16TH PROSECUTORIAL

DURHAM

Ward: WARD 2
School: SCHOOL 3B

YOUR VOTING LOCATIONS

During the early voting period, voters may cast a ballot at any one-stop site in their county, and eligible individuals may register and vote at the same time. Find one-stop sites and schedules in your county with the One-Stop Early Voting Site Search. Voting sites change for each election and become available when finalized.

Election Day voters must cast a ballot at their assigned polling place. Click the name of your Election Day polling place below for location details, your county board of elections contact information, and sample ballots when available.

LYONS FARM ELEMENTARY SCHOOL

906 SCOTT KING RD DURHAM, NC 27713

YOUR SAMPLE BALLOT (0)

If this section is blank, you do not have any upcoming elections in your jurisdiction for the current year.

"Ballots not assigned yet" means a sample ballot is not yet available. Return to this site closer to the election date to view your sample ballot(s).

Practice making your selections with the accessible sample ballot by choosing "Option 4" on the <u>absentee ballot portal</u>.

Election	Your Sample Ballot(s)
11/07/2023 MUNICIPAL	Ballots not assigned yet.
10/10/2023 PRIMARY	Ballots not assigned yet.

YOUR ABSENTEE BALLOT: BY MAIL OR EARLY VOTING (1)

By North Carolina law, in-person early voting and by-mail voting are "absentee" voting, as you vote "absent" of Election Day.

Note: County boards of elections will post ballot acceptance information, but ballot requests are no longer public record until the ballot is returned, or until Election Day, whichever is earlier. If you have not received your ballot within two weeks of your request, contact your <u>county board of elections</u>.

To track your by-mail absentee ballot from request to acceptance, sign up for status notifications through <u>BallotTrax</u>.

Election Date	<u>County</u>	Absentee Type	Absentee Status	Return Date	Return Method	Return Status
03/15/2016	DURHAM	ONE-STOP EARLY VOTING	VALID RETURN	03/11/2016	IN PERSON	ACCEPTED

YOUR VOTER HISTORY (11)

If this section is blank, we do not have a record that you voted in a past election in North Carolina.

<u>Election</u>	<u>Voted Method</u>	<u>Voted County</u>	Primary Election Ballot
11/03/2020 GENERAL	ONE-STOP EARLY VOTING	DURHAM	
11/06/2018 GENERAL	IN-PERSON ELECTION DAY	DURHAM	
11/08/2016 GENERAL	ONE-STOP EARLY VOTING	DURHAM	
03/15/2016 PRIMARY	ONE-STOP EARLY VOTING	DURHAM	REPUBLICAN
11/06/2012 GENERAL	IN-PERSON ELECTION DAY	ALAMANCE	
11/02/2010 GENERAL	IN-PERSON ELECTION DAY	ALAMANCE	
05/04/2010 PRIMARY	IN-PERSON ELECTION DAY	ALAMANCE	REPUBLICAN
11/04/2008 GENERAL	IN-PERSON ELECTION DAY	ALAMANCE	
05/06/2008 PRIMARY	IN-PERSON ELECTION DAY	ALAMANCE	REPUBLICAN
11/02/2004 GENERAL	IN-PERSON ELECTION DAY	ALAMANCE	
11/07/2000 GENERAL	IN-PERSON ELECTION DAY	ALAMANCE	

For more information, please contact the <u>Durham County Board of Elections</u>.



New Search

CANA WITTENBERG SELFORS 1809 CAPSTONE DR DURHAM, NC 27713

Collapse all sections | Expand all sections

County: DURHAM Status: ACTIVE Voter Reg Num: 000030249484 NCID: AA120759 Party: REP

Ethnicity: NOT HISPANIC or NOT LATINO

WHITE

Gender:FEMALERegistration Date:11/14/2014NCDMV Customer:Yes

YOUR JURISDICTIONS

YOUR VOTER DETAILS

Race:

Precinct: 35-4

Congress:

NC Senate:

NC Senate:

NC House:

Superior Court:

Judicial:

Prosecutorial:

Municipality:

CONGRESSIONAL DISTRICT 4

NC SENATE DISTRICT 20

NC HOUSE DISTRICT 29

14B SUPERIOR COURT

14TH JUDICIAL

DURHAM

Ward: WARD 2
School: SCHOOL 3B

YOUR VOTING LOCATIONS

During the early voting period, voters may cast a ballot at any one-stop site in their county, and eligible individuals may register and vote at the same time. Find one-stop sites and schedules in your county with the One-Stop Early Voting Site Search. Voting sites change for each election and become available when finalized.

Election Day voters must cast a ballot at their assigned polling place. Click the name of your Election Day polling place below for location details, your county board of elections contact information, and sample ballots when available.

LYONS FARM ELEMENTARY SCHOOL

906 SCOTT KING RD DURHAM, NC 27713

YOUR SAMPLE BALLOT (0)

If this section is blank, you do not have any upcoming elections in your jurisdiction for the current year.

"Ballots not assigned yet" means a sample ballot is not yet available. Return to this site closer to the election date to view your sample ballot(s).

Practice making your selections with the accessible sample ballot by choosing "Option 4" on the <u>absentee ballot portal</u>.

Election	Your Sample Ballot(s)
11/07/2023 MUNICIPAL	Ballots not assigned yet.
10/10/2023 PRIMARY	Ballots not assigned yet.

YOUR ABSENTEE BALLOT: BY MAIL OR EARLY VOTING (0)

By North Carolina law, in-person early voting and by-mail voting are "absentee" voting, as you vote "absent" of Election Day.

Note: County boards of elections will post ballot acceptance information, but ballot requests are no longer public record until the ballot is returned, or until Election Day, whichever is earlier. If you have not received your ballot within two weeks of your request, contact your <u>county board of elections</u>.

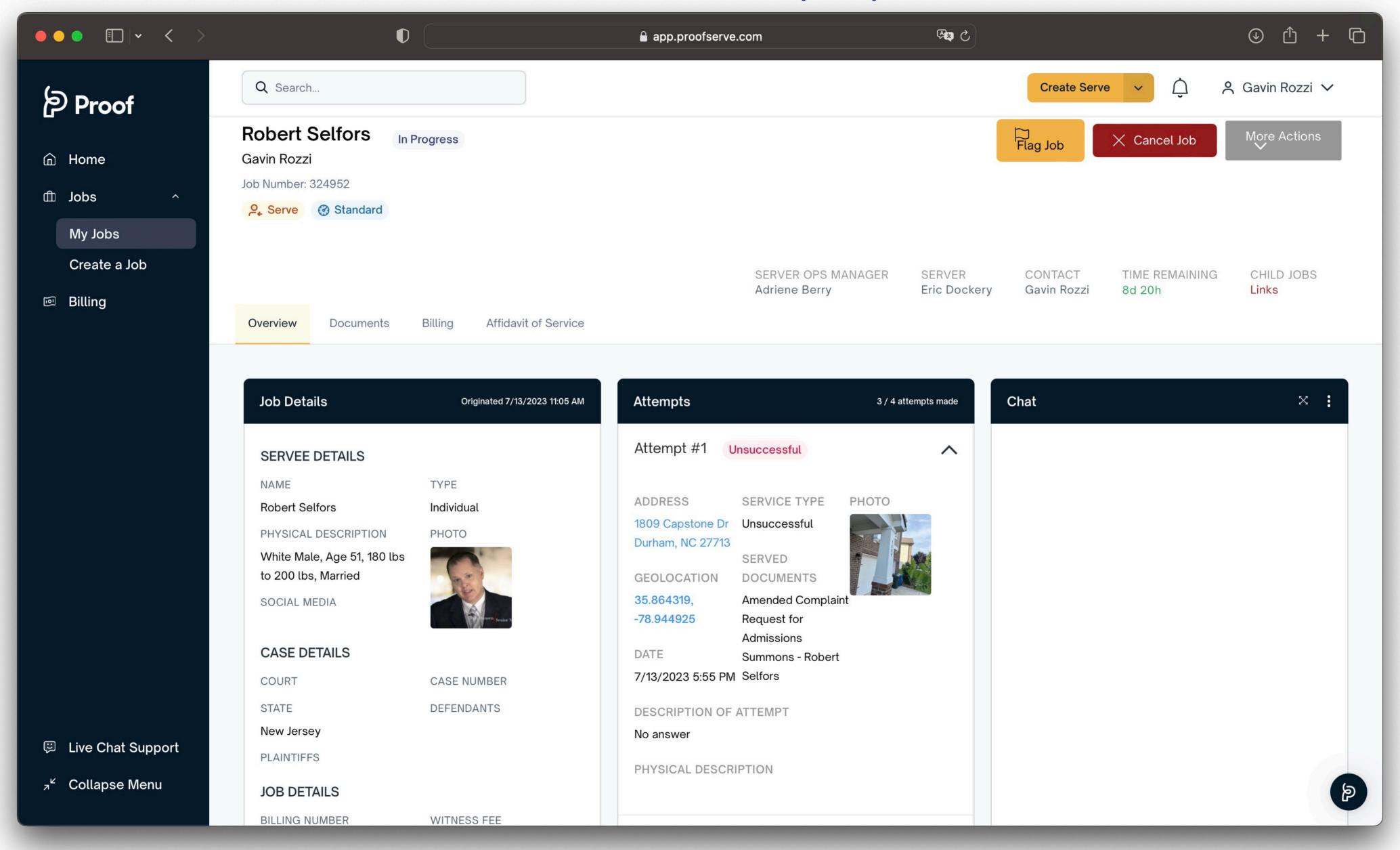
To track your by-mail absentee ballot from request to acceptance, sign up for status notifications through <u>BallotTrax</u>.

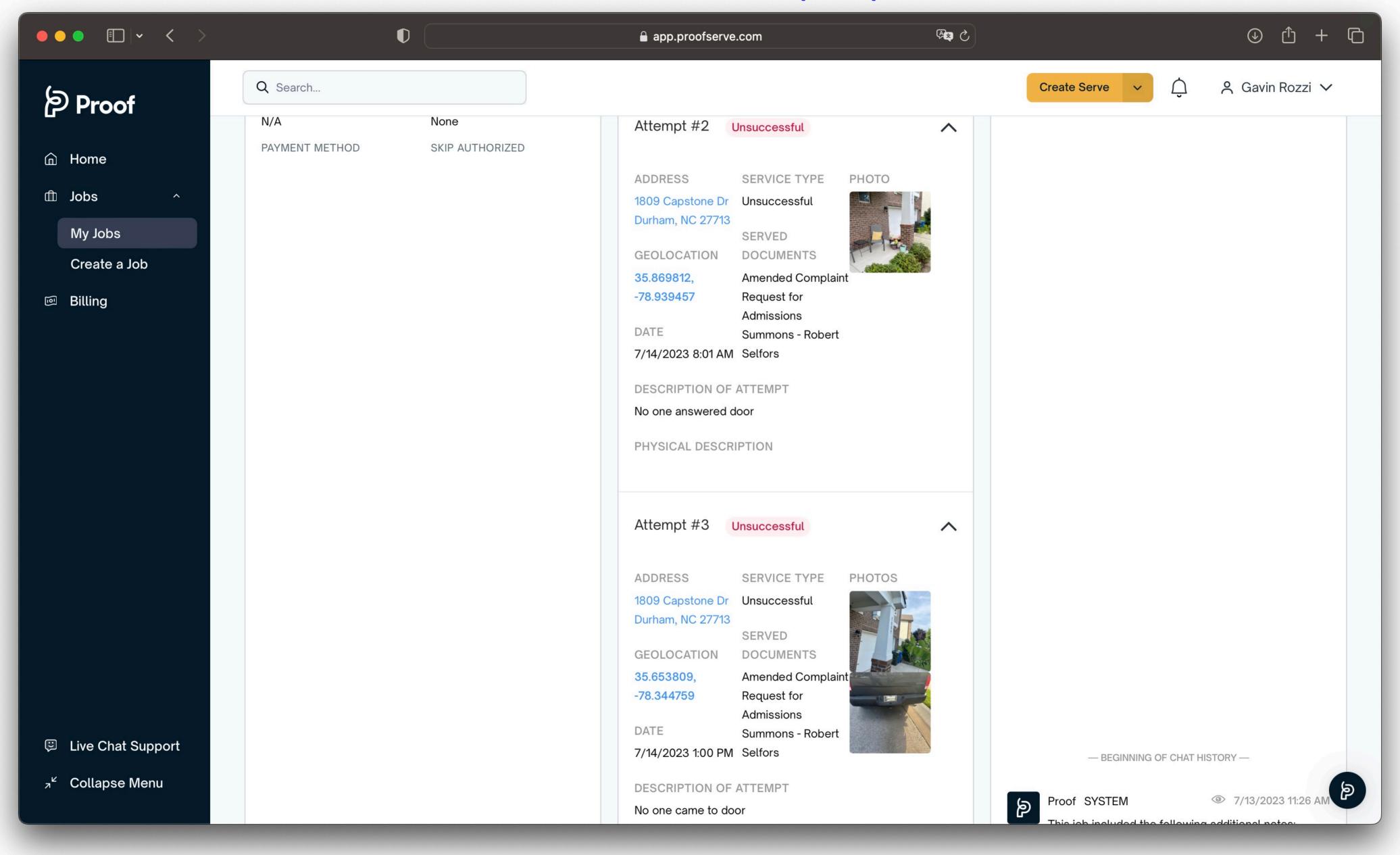
YOUR VOTER HISTORY (12)

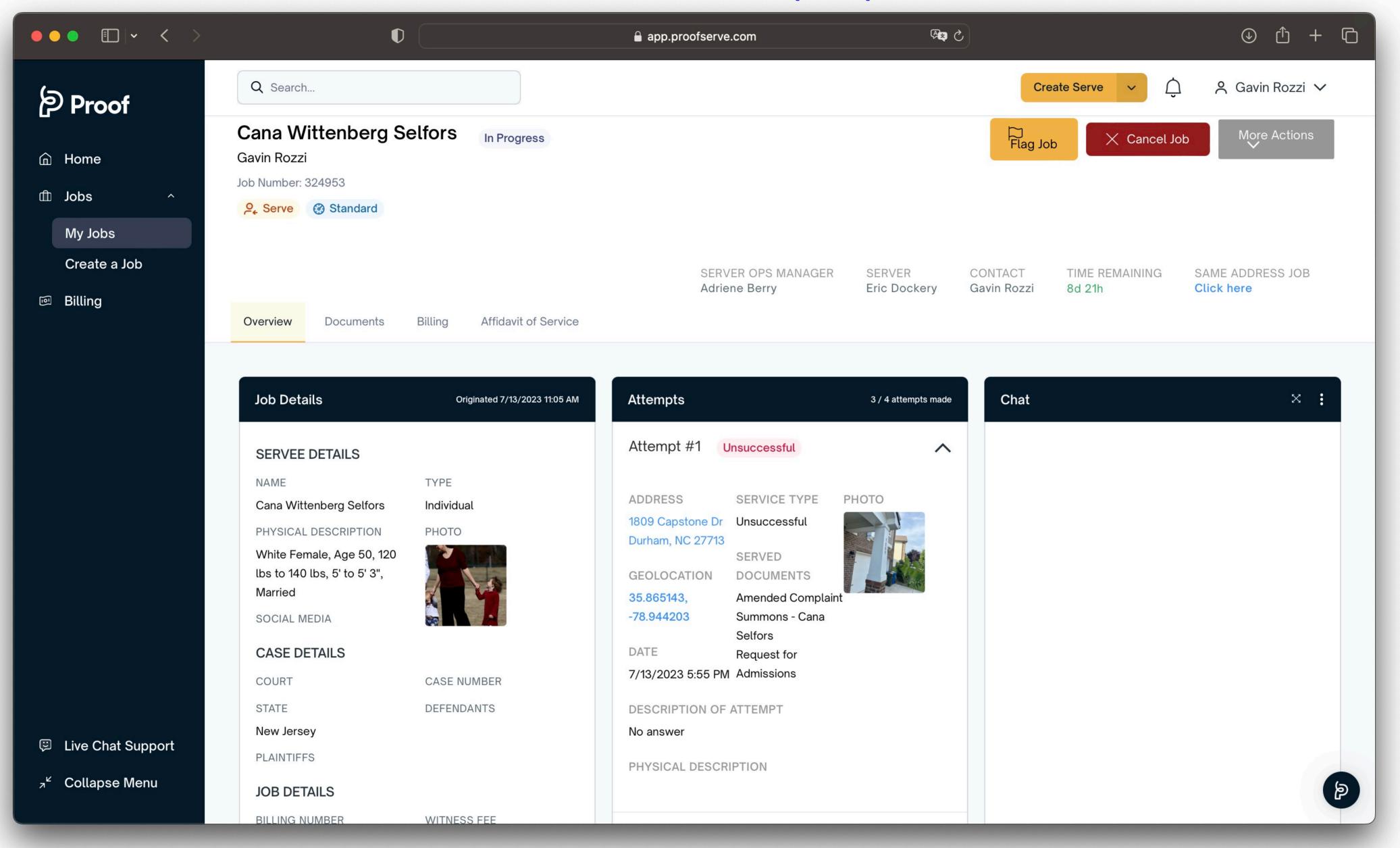
If this section is blank, we do not have a record that you voted in a past election in North Carolina.

Election	<u>Voted Method</u>	<u>Voted County</u>	Primary Election Ballot
11/03/2020 GENERAL	ONE-STOP EARLY VOTING	DURHAM	
11/08/2016 GENERAL	ONE-STOP EARLY VOTING	DURHAM	
06/07/2016 PRIMARY	IN-PERSON ELECTION DAY	DURHAM	REPUBLICAN
03/15/2016 PRIMARY	IN-PERSON ELECTION DAY	DURHAM	REPUBLICAN
11/06/2012 GENERAL	IN-PERSON ELECTION DAY	ALAMANCE	
11/02/2010 GENERAL	IN-PERSON ELECTION DAY	ALAMANCE	
05/04/2010 PRIMARY	IN-PERSON ELECTION DAY	ALAMANCE	REPUBLICAN
11/04/2008 GENERAL	IN-PERSON ELECTION DAY	ALAMANCE	
05/06/2008 PRIMARY	IN-PERSON ELECTION DAY	ALAMANCE	REPUBLICAN
11/02/2004 GENERAL	IN-PERSON ELECTION DAY	ALAMANCE	
11/05/2002 GENERAL	IN-PERSON ELECTION DAY	ALAMANCE	
11/07/2000 GENERAL	IN-PERSON ELECTION DAY	ALAMANCE	

For more information, please contact the <u>Durham County Board of Elections</u>.







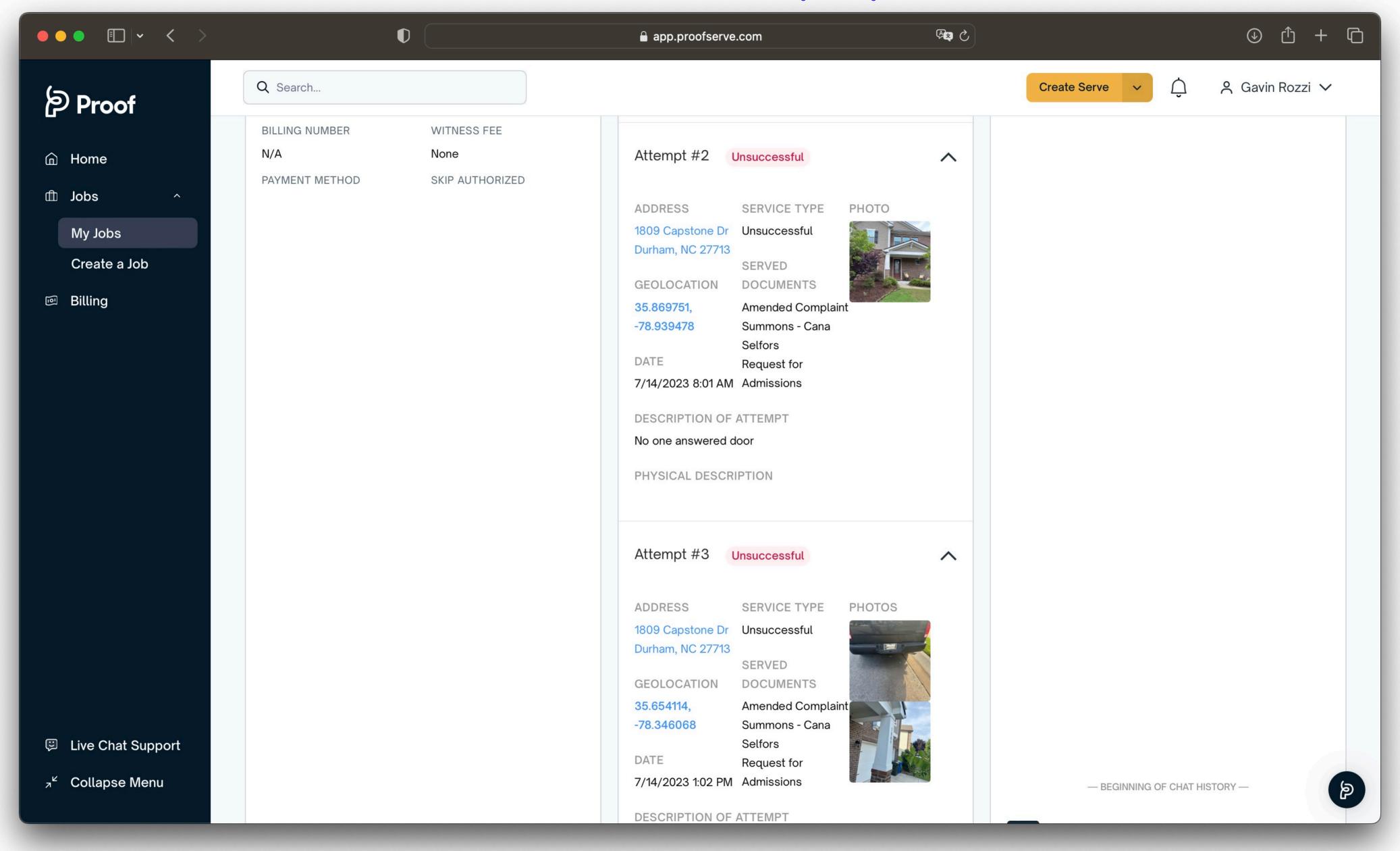


Exhibit D

to Gavin Rozzi's Affidavit of Diligent Inquiry of July 14th, 2023

Gavin Rozzi

From: Gavin Rozzi <gr@gavinrozzi.com>
Sent: Friday, July 14, 2023 9:18 AM
antonio@antoniovela.net

Subject: IMPORTANT: Notification of legal action: Rozzi v. Selfors et al.

Attachments: Certificate of Liability Insurance.pdf; Summons.pdf; Rozzi v. Selfors Complaint.pdf

Dear Mr. Vela,

I hope this correspondence finds you well. I am writing in regards to one of your clients, Robert Selfors a/k/a "Bob Hansen" and Brier Creek Fellowship, Inc. to notify you of possible claims.

Please be advised that I have commenced litigation against Mr. Selfors and Brier Creek Fellowship, Inc. I have obtained a copy of an insurance policy written by you for Brier Creek Fellowship via North Carolina Public Records Law requests as part of my pre-suit investigation.

Please note that I am seeking to have Mr. Selfors served with the Complaint in this matter. He is not answering the door for my process server, so I am going to be forced to pursue other methods in accordance with the law, hence my outreach to you. I would ask that you reach out to your client and inform him of my outreach. If I am unable to have Mr. Selfors accept service I will seek an order from the court permitting substituted service on his insurance carrier, or via other appropriate means as provided by the law.

Because an insurance carrier is required to defend a "cause of action which may potentially come within the coverage of [a defendant's] policy," an insurance carrier would need to notify a policyholder of a complaint. Nabi, 2019 WL 5800254, at *3 (quoting Hartford Ins. Grp. v. Marson Constr. Corp., 186 N.J. Super. 253, 257 (App. Div.1982)). Courts have found substituted service to insurance carriers to be constitutionally sufficient. See, e.g., Mullane, 339 U.S. at 314; Dattalo, 2015 U.S. Dist. LEXIS 21586, at *2; Musulin v. Gardner Fox Assocs., No. 11–00770, 2011 U.S. Dist. LEXIS 160874, at *9 (D.N.J Oct. 21, 2020).

Please also accept this correspondence as a litigation hold notice to preserve all records pertaining to Robert Selfors, Cana Wittenberg Selfors or their various legal entities. If you are no longer servicing their accounts, I would also appreciate it if you'd so advise.

I thank you in advance for your cooperation and assistance.

Thanks,

Gavin Rozzi +1 (609)-222-4161 https://gavinrozzi.com